FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioner herein requests a variance to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 8527 Hill Spring Drive, is zoned D.R. 2 and is improved with a single family dwelling. Petitioner proposes constructing an inground swimming pool, but due to the irregular shape of the subject property and location of utility easements, the proposed pool cannot be constructed without the requested variance. Petitioner has spoken with the adjoining property owners who indicated that have no objection. By letter dated October 17, 1988, the Office of Planning and Zoning recommended approval of the requested variance provided Petitioner landscape and buffer the property as depicted in the Plat attached to said comments. Testimony indicated the proposed variance will not result in any detriment to the health, safety and general welfare of the community.

all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.)

and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Old day of November, 1988 that the Petition for Zoning Variance to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> 2) Petitioner shall landscape the property around the fence in a manner approved by the Office of Current Planning, Landscape Planner, and at a minimum as set forth on the plat submitted by the Office of Planning and Zoning with their comments dated October 17, 1988, attached hereto and made a part hereof.

> > Deputy Zoning Commissioner

79

for Baltimore County

PETITION FOR ZONING VARIANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 To allow an accessory structure (pool)

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for t following reasons: (indicate hardship or practical difficulty)

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

equired by the Zoning Law of Baltimore County, in two newspapers of general circulation through-ut Baltimore County, that property be posted, and that the public hearing be had before the Zoning

AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines TO_Zoning Commissioner October 17, 1988 Pat Keller, Deputy Director FROM Office of Planning and Zoning

Charles E. Rosch, Jr. SUBJECT Zoning Petition No. 89-152-A

The applicant is requesting a variance to allow an accessory structure (pool) to be located in the side yard rather then the rear yard. In reference to the applicant's request, staff provides the following comments:

 The applicant's parcel is a panhandle lot that is irregularly shaped. The house is situated at the center of the lot, thus creating a locational problem for accessory structures. The proposed pool can only be located on the north or south side of the parcel. In addition to providing a pool, the applicant will also be fencing the pool. The fencing of the pool will be goemetrically aligned (right-angles) to the house and follow the rear property line. The fence will border lot No. 3 property line at the southwest corner of the applicant's property. Staff's only concern regarding this proposal is the proximity of the fencing to the lot 3 property line. Staff would suggest that some landscape buffering be provided at this location between the applicant's fence and the lot No. 3 property line.

Base upon the information provided and analysis conducted, staff recommends approval of the request subject to the condition noted (see attached sketch).

Attachment

RECEIVED ZONING OFFICE DATE: 10/17/88

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appear-

THE JEFFERSONIAN,

5. Zehe Olian Publisher

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

	Terren, Maryland					
District 8 th						
2/	Date of Posting Systember 30					
Petitioner: Charles E. R	oseh Q.					
Location of property: E.S. Hill She	una Di					
245 n. Stony Meadow Cours	to (er 27 2/10 at the end of 12 R/n					
Location of Signer In front of 8	osek, Jo: ung Drive, 163' at the end of 12' R/n it (8527 Hill Lying Drive) 527 Hill Spring Drive					
000						

#79

URSDAY, SEPTEMBER 29

SALES & LEGAL NOTICES

NOTICE OF HEARING

The Zoring Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
Case number: 89-152-A
ES Hill Spring Dr. 163*
all end of 12' R/W, 245'±
N Storny Meadow Count
(852' Hill Spring Drive)
8th Election Distinct
3rd Councilmanic
Petitioner(s):
Charles E. Rosch, Jr.
Hearing Date: Friday,
Oct. 21, 1988 at 2:00 p.m.

Variance to allow an accessory structure (pool) to be located in the sideyard in lieu of the required rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issued of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINE

Zoning Description

Located on the east side of Hill Spring Dr.

163 ft. at the end of a 12 ft. right -of-way, such
drive way being located 245 ft. t north of Stony
Meadow Court. Being Lot 4 (plat 2) in the Subdivision of the Hillside AT Seminary, Book 53 Folio 14.

Also Known as 8527 Hill Spring Drive in the 8th Election
District District,

Based upon the testimony and evidence presented at the hearing,

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

Mr. Charles E. Rosch, Jr. 1647 Glen Eagle Road

Case No. 89-152-A

Baltimore, Maryland 21239 RE: PETITION FOR ZONING VARIANCE E/S Hill Spring Drive, 163' at the end of a 12' R/W, 245' +/- N of Stony Meadow Court (8527 Hill Spring Drive) 8th Election District - 3rd Councilmanic District

Charles E. Rosch, Jr. - Petitioner

Dear Mr. Rosch:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

November 2, 1988

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> Very truly yours, Chan MARokaning

AMN:bjs

cc: People's Counsel

File

Dennis F. Rasmussen County Executive

to be located in the sideyard in lieu of the required rear yard

NO ROOM IN BACK YARD TO PLACE POOL DUE TO UTILITY EASEN DUTY IN THE SIDE YARD LOCATION IS THE ONLY PLACE WE CAN PUT THE ROLL!

Property is to be posted and advertised as prescribed by Zoning Regulations.

DISTRIBUTION VALIDATION OF SIGNATURE OF CASHIER WHITE CASHER PER AGENCY YELLOW-CUSTOMER	8 8 023************************************	Posidential Variance tiling to	RECEIVED MA. KISA	DATE 8-34-88 ACCOUNT X-01-615-0	BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE-REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	I/We do under the per are the legal which is the s Legal Owner(s): CHRUES E. (Type or Print Nam Signature Address City and State Name, address and ph	solemnly declare and affirmalties of perjury, that I/w owner(s) of the propertubject of this Petition. Roscy JR ne) Phone No.
		1 / 3		000	22	tract purchaser or re	presentative to be contacted
	·	16	и и на			Name //47/GLEN E/KLE	30F 539- 0084 RD 30I- 252- 243C (RD 30I - 432-3238 (
1	4	DERED	By The Zo			Address BALTO, M 2 of Baltimore County, thi	0 Phone No. 1239 s — 24 da
1	>	SCPL	ember		8, that t	he subject matter of th	is petition be advertised, a

day of October 1988, at 2 o'clock

Date of return: October 7, 1988

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 454-3353 J. Robert Haines
Zoning Commissioner Mr. Charles E. Rosch, Jr. 1647 Gleneagle Road Baltimore, Maryland 21239 Re: Petition for Zoning Variance ES Hill Spring Dr., 163' at end of 12' R/W, 245'± N Stony Meadow Court CASE NUMBER: 89-152-A (8527 Hill Spring Drive) 8th Election District - 3rd Councilmanic Petitioner(s): Charles E. Rosch, Jr. HEARING SCHEDULED: FRIDAY, OCTOBER 21, 1988 at 2:00 p.m. Dear Mr. Rosch:

Please be advised that //12.86 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do <u>not</u> remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

Date: 10/18/88

Dennis F. Rasmussen

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office

Ruilding Department of the Property No. 053935 BALTIMORE COUNTY, MARYLAND post set(s), there each set not OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT ACCOUNT_R-01-615-000 RECEIVED Charles E. Prontige Pront

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG. 111 W. Chesaperke Ave. Towson, Maryland 21204 000

Department of Traffic Engineering

Bureau of

Industrial

Fire Prevention

Health Department

Project Flanning

Ruild.ng Department Board of Education

Toning Administration

State Roads Commissio

Mr. Charles E. Rosch, Jr. 1647 Gleneagle Road Baltimore, Maryland 21239

RE: Item No. 79 - Case No. 89-152-A Petitioner: Charles E. Rosch Petition for Zoning Variance

Dear Mr. Rosch:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the sultability of the requested zoning.

October 10, 1988

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Games G. Dyerldt JAMES E. DYER Chairman Zoning Plans Advisory Committee

JED:dt

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-152-A ES Hill Spring Dr., 163' at end of 12' R/W, 245' t N Stony Meadow Court (B527 Hill Spring Drive) 8th Election District - 3rd Councilmanic Petitioner(s): Charles E. Rosch, Jr. HEARING SCHEDULED: FRIDAY, OCTOBER 21, 1988 at 2:00 p.m. Variance to allow an accessory structure (pool) to be located in the sideyard

in lieu of the required rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County cc: Mr. Rosch

ELTIMORE COUNTY, MARTLAND

INTER-OFFICE CORRESPONDENCE J. Robert Haines TO Zoning Commissioner

October 17, 1988

Pat Keller, Deputy Director FROM Office of Planning and Zoning Charles E. Rosch, Jr. SUBJECT Zoning Petition No. 89-152-A

The applicant is requesting a variance to allow an accessory structure (pool) to be located in the side yard rather than the rear yard. In reference to the applicant's request, staff provides the following comments:

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Base upon the information provided and analysis conducted, staff recommends approval of the request subject to the condition noted (see attached sketch).

PK/sf

Attachment

Petitioner's Attorney

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this _____7th______ day of ______, 1988 .

Petitioner Charles E. Rosch, JR

Received by: Advisory Committee production and the state of the 35 UTILLY + DRAINAGE MARBLES ZSTA EASIMANT - SUBSECT Miles Print RISIDENUL #8527 HILL SPAINS DR FRONT

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

September 12, 1988

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



Re: Property Owner: Charles E. Rosch, Jr.

Location: ES Hill Spring Dr., 163' at end of 12' R/W 245' +-N. of Story Meadow Ct. / 8527 Hill Spring Dr. Zoning Agenda: Meeting of 9/6/88

Fire Prevention Bureau

Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

to be corrected or incorporated into the final plans for the property.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(x) 7. The Fire Prevention Bureau has no comments at (th)s time.

Special Inspection Division

the state of the s

4 DRIVINGE EASIMIN TANGUE -TECRIPY! PERIDENUL SEMILLERY #8527 HILLSPAING DR VICINITY MAPI FRONT LOT 4 PLAT FOR ZOMING VARIANCE 11.[072] OWNER- CHARLES & MICHELLE ROSCH, IR DISTRICT 8 ZONED BY DRZ SUBDIVISION: THE HILLSION AT SEMINARY PY SILL TWO PIER WAS FOLIO 74 SCALT 1" 2 30 1 50 FOOTAGE 31529 \$ ARRIGE - .7238 HILL SLEINE

EVHIRIT